

11-29-2010 Application: 10 / 599,178

RECEIVED  
CENTRAL FAX CENTER 1/4  
NOV 29 2010

**PETITION TO REVIVE  
APPLICANT'S STATEMENT**  
**Application: 10 / 599,178**  
**November 29<sup>th</sup>, 2010**

Office Action 3 for patent application No. 10/599,178 was not received by the applicant.

As requested in the abandonment notice and in the MPEM, in what follows, a description of the file keeping system used by the applicant is described.

**DESCRIPTION OF FILE KEEPING SYSTEM FOR  
OFFICE ACTIONS RECEIVED**

As I mentioned in my initial petition, I am an independent inventor, working in what for the time being is a two people company. I personally prosecute my patent applications, which are few.

Because I only handle four applications, it is very simple and easy to manage the Office Actions received. Besides, all other official documentation that is related to the business of the company is handled by other person. In conclusion, the Office Actions that are sent to me are the most relevant documentation I receive by mail, and they get all my attention.

In the last years I have put a significant amount of resources into these applications, so they are very important for my. Any incoming mail regarding the patents immediately captures my attention.

In fact, in the three years that I have been exchanging mails/faxes with the USPTO, it is the first time that I abandon an application. MPEP 711.03(c)(A) mentions that a history of not receiving Office Actions should be viewed as lack of care by the applicant.

In mi case, I believe that the fact that this is the first time this happens to me in the last few years that I have been prosecuting my patent applications, this should be considered an indication that in fact I did not receive the office Action,.

As can be seen in my record in the USPTO sometimes I respond late, making use of the time extension option and paying the appropriate fees. Because I am the person filling

out the responses and because I am not a professional in the area, it sometimes takes me quite long to prepare them, especially during times which are busy because of other business reasons. Even though, it is worthwhile for me to pay the extra fee rather than hiring professional help, which is very costly.

I keep the documentation of the four patent applications that I have been prosecuting in the last years in four different folders, which are the four ones that can be seen in Figure 1 on the right hand side. They are located right next to my desk,

Inside each folder, all documents regarding any Office action or response is inside a plastic bag, as shown in Figures 2, to keep together documents that are related.

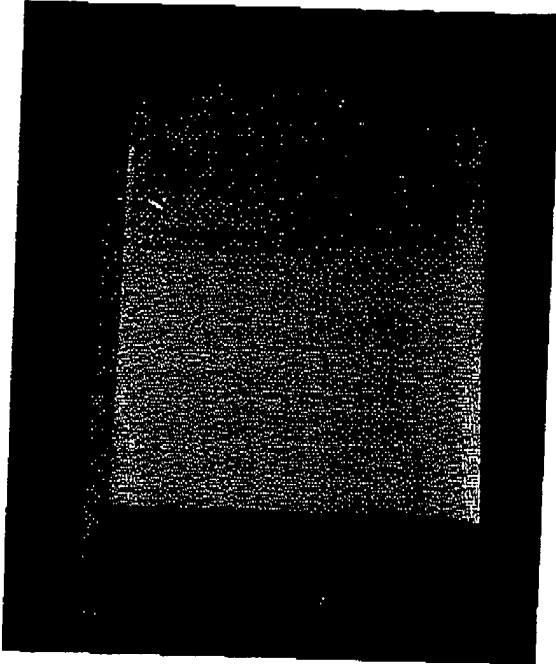
When I get a new Office action I put it into one of the previous folders if I am not planning to work on it for some time. When I am going to work on the Office action immediately, I put it in the tray I reserve for urgent matters, right under my computer screen, as you can see in Figure 3.

In any case, once I get an Office action, I start thinking about how to respond to it, so if for whatever reason it got accidentally misplaced, its absence would be immediately noticeable.

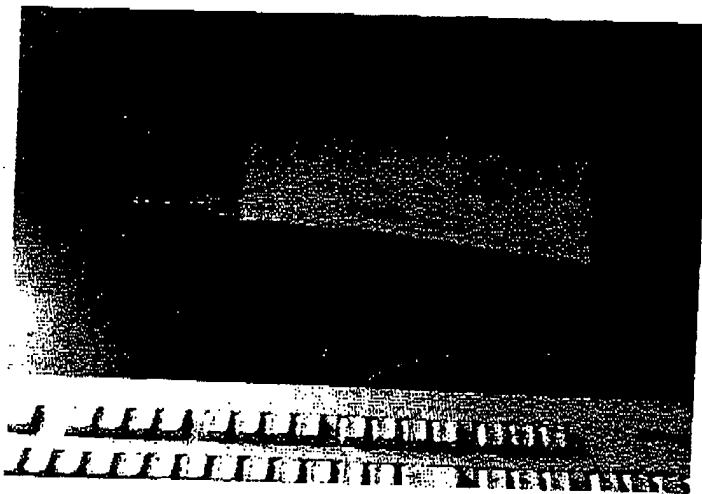
**Figure 1. Folders used for keeping correspondence regarding the four applications with USPTO**



**Figure 2. Documents are stored in plastic bags to avoid accidental misplacement of related documents which are related**



**Figure 3. Tray for urgent matters**



Finally, as required in MPEP 711.03(c)(A), below you can see the lists of Office actions received in the period of three months from the mail date of the Office action that was not responded. The Office action that was not received is the first one, in italic and underlined font.

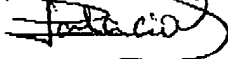
As you can see, there were only two other Office actions received in that period. So if it had been received, it would have been very difficult to lose track the Office action which is the subject of this petition and not remember about it.

APP No.	EXAMINER	IN / OUT	DATE	DESCRIPTION
10 / 599,178	Obisesan, Augustine Kunle	IN	Nov 6th, 2009	Office Action 3 (non final)
10 / 596,990	Frisby, Kesha	IN	Dec 28, 2009	Office Action 1
10 / 596,991	Egloff, Peter Richard	IN	Feb 2, 2010	Office Action 2

### CONCLUSION

In view of all the above reasons, the Applicant kindly requests this petition to be granted and the patent prosecution process be restarted.

Yours sincerely



Angel Palacios